

# BakerHostetler

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March 27, 2017

Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green, Room 723  
New York, New York 10004-1408  
Email: [bernstein.chambers@nysb.uscourts.gov](mailto:bernstein.chambers@nysb.uscourts.gov)

Re: *Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC*, Adv. Pro. No. 08-01789 (SMB)

Dear Judge Bernstein:

We are counsel to Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the estate of Bernard L. Madoff. We write in anticipation of filing approximately eighty (80) Statements of Issues to be Presented and Designation of Items to be Included in the Record on Appeal (collectively, the “Issue and Designation Statements”) in the individual adversary proceedings that were dismissed in whole or part pursuant to your Honor’s Memorandum Decision Regarding Claims to Recover Foreign Subsequent Transfers of the Bankruptcy Court (the “Memorandum Decision”). *See Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS)*, Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y. Nov. 22, 2016), ECF No. 14495.

To comply with the requirements of Federal Rule of Bankruptcy Procedure 8009(a)(4), the Trustee anticipates the Issue and Designation Statements will attach, in the aggregate, more than 200 appendices<sup>1</sup> and 2000 exhibits.<sup>2</sup> Accordingly, the Trustee respectfully requests leave

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<sup>1</sup> The appendices list the pertinent Bankruptcy and District Court docket entries being designated for inclusion in the record on appeal. Each Issue and Designation Statement will include approximately three (3) appendices.

<sup>2</sup> The following materials are annexed as exhibits to the Trustee’s Issue and Designation Statements: (1) the final judgment entered in the pertinent adversary proceeding; (2) the Memorandum Decision, which is attached as Exhibit A to the final judgment; (3) pertinent docket entries filed on the consolidated main docket in the United States District Court for the Southern District of New York, *Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. (In re Madoff Sec.)*, No. 12- mc-00115 (JSR) in connection with and following withdrawal of the automatic bankruptcy reference of the adversary proceedings (the “Motions to Withdraw the Reference”); and (4) pertinent docket entries filed in individual civil cases opened by relevant defendants in connection with the Motions to Withdraw the Reference.

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from the Court's Order Directing Duplicate Filings (ECF No. 5659) requiring dual docketing of every filing both in the individual adversary proceeding and on the main docket for Adv. Pro. No. 08-01789 (the "Main Docket"). Specifically, the Trustee requests permission to: (1) file the Issue and Designation Statements, inclusive of appendices and exhibits, in the relevant individual adversary proceeding; (2) file the Issue and Designation Statements, inclusive of appendices but exclusive of exhibits, on the Main Docket; and (3) omit the appendices and exhibits from the courtesy copy of the filings the Trustee will provide to Your Honor.

Please let us know if the Court has any questions or concerns.

Respectfully submitted,

/s/ David J. Sheehan

David J. Sheehan